

United States District Court

DISTRICT OF DELAWARE

UNITED STATES OF AMERICA

v.

KATSIARYNA KABIARETS

(Name and Address of Defendant)

REDACTED

Criminal Complaint

05-130 M

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

In or around the summer of 2005 until the present, in Sussex County, in the District of Delaware and elsewhere defendant(s),

(Track Statutory Language of Offense)

did, during and in relation to a felony violation of Title 18, U.S.C., § 1344, bank fraud, knowingly transfer, possess and use, without lawful authority, the means of identification of other persons, i.e. credit card account numbers, all

in violation of Title 18 United States Code, Section(s) 1028A

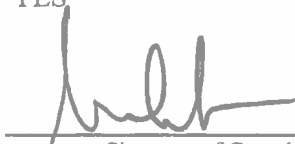
I further state that I am a(n) Special Agent, U.S. Secret Service and that this complaint is based

Official Title

on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: YES



Signature of Complainant

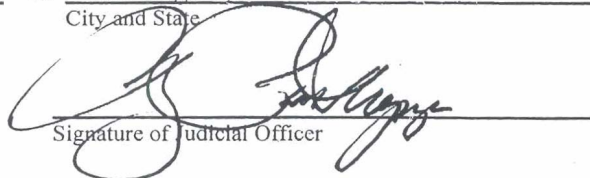
Michael S. Armstrong
Special Agent
U.S. Secret Service

Sworn to before me and subscribed in my presence,

November 18, 2005
Date

at Wilmington, DE
City and State

Honorable Mary Pat Thyng
United States Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

UNITED STATES DISTRICT COURT

DISTRICT OF DELAWARE

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Michael S. Armstrong, being duly sworn, depose and say:

1. I am a Special Agent with the U.S. Secret Service and have been so employed since February 2003. I am currently assigned to the Wilmington, Delaware, Resident Office. My duties include the investigation of access device fraud, credit cards fraud and computer fraud. The training given to U.S. Secret Service Special Agents includes approximately six months of field and classroom training in all aspects of the production of counterfeit credit cards, the process in which credit card numbers are illegally obtained and how computers are used to create counterfeit and / or altered credit cards. Prior to my employment with the U.S. Secret Service, I graduated from the Delaware State Police Academy and was employed as a Police Officer with the Rehoboth Beach and Bethany Beach Police Departments for five years.
2. On 11/9/05, I was contacted by John Golbreski, Fraud Investigator, American Express Security about American Express credit cards that were compromised at Harpoon Hanna's Restaurant in Fenwick, DE. Inv. Golbreski stated that the compromised AMEX card numbers are subsequently being used on counterfeit / altered cards for fraudulent transactions.
3. Inv. Goldbreski stated that seven American Express card accounts had been compromised at Harpoon Hanna's. Inv. Goldbreski stated that he interviewed James Lucas, General Manager of Harpoon Hanna's. Inv. Goldbreski discovered that Katsiaryna Kabiarets handled six of the seven known compromised accounts and Kabiarets was working when the seventh account was compromised.
4. On 11/16/05, SA Al Lassiter and I interviewed Thomas Ogilvie, Assistant General Manager of Harpoon Hanna's. Ogilvie explained how credit card transactions work at the restaurant, and explained that Kabiarets employee number appeared on six of the compromised credit card transactions. Ogilvie further explained that if another employee's number was used they would not receive the tips from food sales.
5. Later on 11/16/05, SA Lassiter and I interviewed Kabiarets at Harpoon Hanna's. Kabiarets was read Miranda which she signed and waived in writing. Kabiarets at first was deceptive, but she later stated that she was approached by a Russian male named UDI at a party in New York and he asked her where she was working. Kabiarets stated that she worked at Harpoon Hanna's as a waitress. UDI later asked her to collect credit card numbers using a credit reader. Kabiarets agreed and UDI provided her with the credit card reader. UDI said he would pay

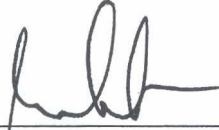
her \$10 per Visa and Mastercard number and \$15 per American Express number. Kabiarets described the credit card reader as a small black device. Kabiarets stated that she used the credit card reader in August. Kabiarets stated that she used the device approximately 50 times. Kabiarets stated that UDI primarily wanted American Express cards because he said they were easy to counterfeit. Kabiarets stated in September 2005 she returned the credit card reader to an apartment in Brighton Beach, New York. Kabiarets stated that she returned the device with the credit card numbers but she states she did not take payment for the card numbers. Kabiarets provided a written statement about her involvement in the case.

6. Continuing on 11/16/05, Kabiarets provided written consent to search her residence and her vehicle. SA Lassiter and I conducted the searches. During the vehicle search at Harpoon Hanna's, Kabiarets stated she needed to get her coat from the coat closet. Kabiarets went into the coat closet and removed a black credit card reader from her person and placed it on the shelf in the coat closet. Employee Paul Wheeler observed Kabiarets remove the credit card reader from her person and place it on the shelf. Wheeler immediately turned the reader over to me.
7. Continuing on 11/16/05, SA Lassiter and I searched Kabiarets' residence and recovered two computers, 5 CD roms, a zip drive, a Maryland ID card bearing the name Sanita Kopstale [REDACTED] and two Capital One Visa credit cards bearing the name of Tatiana Khrebtova [REDACTED] 5790 and [REDACTED] 1704.

Based on my investigation, I submit that there is probable cause to believe that Katsiaryna Kabiarets has violated 18 USC 1028A, aggravated identity theft.

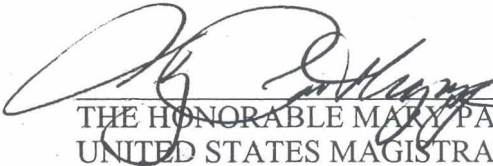
WHEREFORE, your affiant prays that this Court issue an arrest warrant for Katsiaryna Kabiarets.

Your affiant, having signed this Affidavit under oath as to all assertions and allegations contained herein, states that its contents are true and correct to the best of his knowledge, information and belief.



Michael S. Armstrong
Special Agent
United States Secret Service

SUBSCRIBED AND SWORN TO
BEFORE ME THIS 18 DAY
OF November, 2005.



THE HONORABLE MARY PATTHYNGE
UNITED STATES MAGISTRATE JUDGE